

BEST AVAILABLE COPY

REMARKS

The Applicants respectfully request reconsideration and allowance of claims 1 through 15 in view of the following arguments.

THE CLAIM AMENDMENTS

Claims 1 through 3 and 6 through 8 are amended above for purposes of consistency in terminology between the claims. In addition, claim 6 is amended to clarify that the automatic daub input is for activating the automatic daub control in order to automatically daub a bingo card representation. These amendments are not intended to affect the scope of the respective claims.

THE CLAIMS ARE NOT OBVIOUS OVER THE BINGOMANIA REFERENCE IN VIEW OF SOLTESZ

The Examiner rejected claims 1 through 15 under 35 U.S.C. §103(a) as being unpatentable over the publication from the website www.bingomania.net ("Bingomania" or the "Bingomania reference") in view of U.S. Patent No. 5,830,069 to Soltesz et al. ("Soltesz" or the "Soltesz reference"). The Applicants respectfully traverse these rejections on the ground that the proposed combination of references does not teach or suggest each limitation required in the claims. Furthermore, there is no showing in the record that the Bingomania reference qualifies as prior art for purposes of a section 103 rejection.

The current Office Action cites May 2000 as the publication date for the Bingomania reference. However, there is no evidence of record indicating any publication date for the

BEST AVAILABLE COPY

1 Bingomania reference. Considering there is no evidence of record in the case that the
2 Bingomania reference was published before December 20, 2001 (the effective filing date for the
3 present application), the Applicants submit that the Bingomania reference may not be used under
4 35 U.S.C. §103(a) to reject the claims of this case. The Applicants therefore respectfully request
5 that the rejection of claims 1 through 15 be withdrawn.

6 Even assuming for the sake of argument that the Bingomania reference is properly
7 considered prior art with respect to the current application, the Applicants submit that the
8 proposed combination of the Bingomania reference and the Soltesz patent does not render the
9 present claims obvious under 35 U.S.C. §103(a).

10 Claim 1 is directed to a gaming system for conducting bingo-type games and includes the
11 following elements:

- 12 (a) a back office system including a data storage device for storing a number of bingo
13 card representations and for storing a designation set for matching to at least one
14 of the bingo card representations;
- 15 (b) a player station including a player station display, the player station being in
16 communication with the back office system for receiving at least a result
17 associated with at least one bingo card representation;
- 18 (c) a user interface device included with the player station for enabling a player using
19 the player station to enter an automatic daub input; and
- 20 (d) an automatic daub control for automatically daubing the at least one bingo card
21 representation in response to the automatic daub input.

22
23 The Bingomania reference discloses that the game will "auto-daube" a player's cards if
24 the player purchases more than three bingo cards. There is no suggestion in the Bingomania
25 reference that a player may enter an "automatic daub input" through a user interface at a player
26 station as required at element (c) of claim 1. Furthermore, there is no teaching or suggestion in
27 the Bingomania reference of an "automatic daub control" for automatically daubing the at least

BEST AVAILABLE COPY

1 one bingo card representation in response to the automatic daub input. That is, the Bingomania
2 reference does not teach any input arrangement through which a player may make an input to
3 cause the player's card to be daubed.

4 The Soltesz patent does not make up for these deficiencies in Bingomania. Soltesz
5 discloses a central computer that controls bingo gaming activity at a number of remote sites over
6 a network. Soltesz also discloses that players achieving bingo may claim their bingo by pressing
7 a virtual button on a player station display. However, this "virtual button" input does not result
8 in any card being daubed but merely indicates to the system that the player has claimed a bingo.
9 As with the Bingomania reference, the Soltesz patent does not teach or suggest the user interface
10 device included with a player station for enabling a player using the player station to enter an
11 automatic daub input as required by element (c) of claim 1. The Soltesz patent also does not
12 teach or suggest an automatic daub control for automatically daubing the at least one bingo card
13 representation in response to the automatic daub input. Because neither of the references in the
14 Examiner's proposed combination teach or suggest the structure required at elements (c) and (d)
15 of Applicants' claim 1, the proposed combination also cannot teach or suggest this structure.

16 For all of these reasons the Applicants' submit that claim 1 is not obvious in view of the
17 Bingomania and Soltesz references and is entitled to allowance together with its dependent
18 claims, claims 2 through 6.

19 The proposed combination of Bingomania and Soltesz also fail to teach or suggest many
20 of the features required by claims depending from claim 1. For example, neither Bingomania
21 nor Soltesz teaches or suggests a manual daub interface for enabling the player to manually daub
22 a bingo card representation as an alternative to automatic daubing as required by claim 3.

BEST AVAILABLE COPY

1 Bingomania only discloses "auto-daube" when the player purchases more than 3 bingo cards; and
2 it does not disclose giving the player a choice on how to daub a given bingo card representation.
3 The Soltesz patent does not teach or suggest autodaubing at all and thus cannot suggest an
4 alternative to autodaubing. Therefore, claim 3 is not rendered obvious over Bingomania in view
5 of Soltesz and is entitled to allowance both as being dependent on an allowable base claim and in
6 view of the limitation that it directly adds.

7 Independent claims 6 and 11 require limitations similar to those of claim 1 regarding an
8 automatic daub input and automatic daub control. Therefore, the arguments presented above
9 with respect to claim 1 apply with equal force to claims 6 and 11 along with their respective
10 dependent claims. For these reasons, the Applicants submit that claims 6 through 15 are not
11 rendered obvious over Bingomania in view of Soltesz and are entitled to allowance.

BEST AVAILABLE COPY

CONCLUSION

For all of the above reasons the Applicants respectfully request reconsideration and allowance of claims 1 through 15.

If any issue remains as to the allowability of these claims, or if a conference might expedite allowance of the claims, the Examiner is asked to telephone Applicants' attorney, Russell D. Culbertson, prior to issuing a further action in this case.

Respectfully submitted

THE CULBERTSON GROUP, P.C.

Dated: 5/3/05

By: 

Russell D. Culbertson, Reg. No. 32,124

Russell C. Scott, Reg. No. 43,103

Trevor Lind, Reg. No. 54,785

1114 Lost Creek Boulevard, Suite 420

Austin, Texas 78746

512-327-8932

ATTORNEYS FOR APPLICANTS

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (Fax No. 703-872-9306) on May 3, 2005.

Trevor Lind, Reg. No. 54,785 

1071_Response_OA_050203.wpd